

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,       )  
  )  
v.    )       CASE NO. 2:05CR171-T  
  )  
CALVIN ARTIS STEWART, JR.       )

**ORDER**

On 14 October 2005 (Doc. # 15), following the defendant's Motion For Extension of Time (Doc. # 14), the court granted the motion and directed the government to show cause in writing by 21 October 2005 why it failed to comply with the court's order by delaying the provision of discovery to the defendant. At the pretrial conference conducted on this date, the defendant's counsel advised the court that the premise of the motion was fallacious and that the government had provided timely discovery to the defendant. Accordingly, it is ORDERED as follows:

1. The court's order of 14 October 2005 is hereby VACATED in part. Although the court re-affirms its grant of the motion for extension, the government shall not be required to show cause regarding the provision of discovery.
2. The defendant's counsel's office is DIRECTED to ascertain, prior to filing similar motions in the future, that its internal systems are properly functional.

DONE this 17<sup>th</sup> day of October, 2005.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE